

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action 1:21-cv-09562-PKC(BCM)
BRIAN DONNELLY AKA KAWS and
KAWS INC.,

Plaintiffs,

NOTICE OF MOTION

-against-

JONATHAN ANAND, both individually and doing
business as HOMELESS PENTHOUSE,
PENTHOUSE THEORY, HIDEOUT.NYC,
INCOGNITO and YOUNG NEON, DAVID KANG,
DYLAN JOVAN LEONG YI ZHI,
THE PENTHOUSE THEORY,
THE PENTHOUSE COLLECTIVE and
OSELL DINODIRECT CHINA LIMITED,

Defendants.

-----X

PLEASE TAKE NOTICE that, upon the Declaration of Russell I. Zwerin, Esq., dated October 24, 2023, and the exhibits attached thereto, Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Against Defendant Jonathan Anand, both individually and doing business as Homeless Penthouse, Penthouse Theory, Hideout.NYC, Incognito and Young Neon ("Anand"), dated October 24, 2023, and all other papers and proceedings heretofore had herein, Plaintiffs BRIAN DONNELLY AKA KAWS and KAWS INC. (collectively, "Plaintiffs") shall move this Court for an Order, pursuant to the Federal Rules of Civil Procedure ("FRCP") 37(a)(5), 37(b)(2)(A)(iii), 37(b)(2)(A)(vi), 37(b)(2)(C) and the Court's inherent powers for an order: (i) Striking Defendant Anand's Answer, dated July 27, 2022; (ii) Entering a default judgment against Defendant Anand; (iii) Awarding Plaintiffs costs and attorney's fees; and (iv) Granting Plaintiffs such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that, in the alternative, Plaintiffs request that the Court grant such other and further relief as to this Court seems just and proper pursuant to FRCP

37 and the Court's inherent authority to sanction.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1, any opposing affidavits and answering memoranda of law shall be served by Defendant Anand within seven days after service of Plaintiffs' moving papers.

Dated: New York, New York
October 24, 2023

Respectfully submitted,

AARON RICHARD GOLUB, ESQUIRE, P.C.
Attorneys for Plaintiffs

BY: 

Russell I. Zwerin
24 East 64th Street, Fifth Floor
New York, New York 10065
ph: (212) 838-4811
fx: (212) 838-4869
rzwerin@argolub.com